THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20851 2007

DATED:04-10-2007

BETWEEN:

K.Ankamma & 6 others.

..... PETITIONERS

AND

The District Collector,
Chittoor District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in evicting them from their residential huts in Paimasi No.347/S.No.119 situated at Ramanujapalli village, Thirupati Rural Mandal, Chittoor District, as illegal and arbitrary.

3. It is the case of the petitioners that they are the members of Mahatma Gandhi Jyothyirao Poole, Bahujana Seva Sangam, Chittoor District Branch Society, and earlier they filed W.P.No.7144 of 2007 on the file of this Court to issue a writ of mandamus declaring the action of the respondents in evicting the members of the said Society from the residential huts in Sy.No.119 situated at Ramanujapalli village, Tirupathi Rural Mandal, Chittoor District, as arbitrary and illegal, and the same was dismissed by order, dated
09-04-2007, observing that the members who are allegedly in occupation of the land in Sy.No.119 have not filed the Writ Petition and the details of those members are not even found in the affidavit accompanying the Writ Petition and if really some of the members are facing threat of dispossession from the said land in their possession, it is always open for them to file the Writ Petition. Liberty is reserved to the members to file a separate Writ

Petition for redressal.

4. It is stated that the petitioners are the members of the said Society and they are in occupation of small extents of house sites of Ac.0.2 ½ cents each in Paimasi No.542/S.No.119, the total extent of the said land in Ac.20.00 belonging to the Government. Petitioners raised huts and residing therein and they have been making representations to assign the house sites in their favour. It is stated that pursuant to the representations of the petitioners made before the 1st respondent-District Collector, 1st respondent, vide his proceedings in ROC.GC (LAND MATTER/379/2007, dated 21-05-2007, directed the 3rd respondent-Tahsildar, Tirupathi to cause field enquiry into the matter personally and send a report to reach the Grievance Cell by 26-05-2007 failing which to appear personally before the District Revenue Officer on 28-05-2007. It is stated that *in spite* of the said direction of the 1st respondent, 3rd respondent has not submitted the report, and on the other hand, trying to dispossess the petitioners without following due procedure prescribed in law.

5. Having regard to the facts and circumstances of the case, without expressing any opinion with regard to the merits of the case, respondents are directed not to dispossess the petitioners from their huts in Paimasi No.347/S.No.119 situated at Ramanujapalli village, Tirupathi Rural Mandal, Chittoor District, if they are in possession as on today, without following due process of law.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

04th October, 2007.

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